

Translation

PATENT COOPERATION TREATY

PCT/EP2003/011268



# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002-1015 P	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2003/011268	International filing date (day/month/year) 10 October 2003 (10.10.2003)	Priority date (day/month/year) 11 October 2002 (11.10.2002)
International Patent Classification (IPC) or national classification and IPC B41J 15/04		
Applicant OCÉ PRINTING SYSTEMS GMBH et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>7</u> sheets, as follows: <div style="margin-left: 20px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</div> b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <div style="margin-left: 20px;"><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</div>

Date of submission of the demand 06 May 2004 (06.05.2004)	Date of completion of this report 23 September 2004 (23.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/011268

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ The international application as originally filed/furnished

☒ the description:

pages \_\_\_\_\_ 1-30 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the claims:

pages \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19

pages\* 1-31 received by this Authority on 01 September 2004 (01.09.2004)

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the drawings:

pages \_\_\_\_\_ 1/21-21/21 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**I. Basis of the report**

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

1.1 The amendments submitted with the letter of 1 September 2004 introduce subject matter which, contrary to the requirement of PCT Article 34(2)(b), goes beyond the disclosure in the international application as filed. The amendments in question are in the last paragraphs of claims 1 and 26.

The reasons will be apparent from Box VIII below, which sets out the assumptions made for the purposes of this report, as per PCT Rule 70.2(c). Attention is also drawn to page 8 line 21, page 8 line 25, page 9 line 34, page 12 line 10, and page 12 line 32 of the original description.

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-31	YES
	Claims		NO
Inventive step (IS)	Claims	1-20, 23, 26-28	YES
	Claims	21, 22, 24, 25, 29-31	NO
Industrial applicability (IA)	Claims	1-31	YES
	Claims		NO

## 2. Citations and explanations

Claims 1 to 20 and 26 to 28

2.1 DE1424318A shows a device and process corresponding to parts of claims 1 and 26. In DE1424318A the continuous web is not guided in a direction of movement over the first roll and directly to the other roll, and does not pass to and from the rolls held by the frame via a first fixed roll and another fixed roll.

2.2 These special features provide a better solution to the problem of ensuring precision web guidance and avoiding web slack on one side.

2.3 The claimed special features are not suggested *per se* by any of the available prior art documents. The subject matter of claims 1 and 26 (and also of claims 2 to 20 and 27 to 28) therefore appears to involve an inventive step (PCT Article 33(3)).

Claims 21 to 25 and 29 to 31

3.1 US3600551A, DE10136696 and FR2659426A show devices which have the features specified in claim 21 to page 35 line 11 and claim 29 to line 14.

The fact that the web has to be drawn off with a predetermined tractive force must be regarded as a necessity.

- 3.2 The last feature of both these groups of claims ("and wherein the take-off device [reference signs 50, 14 and 20 respectively in the aforementioned prior art documents] can pivot so as to correct web slack on one side") is not found in the prior art. In the embodiment described in the present invention the web is guided with a predetermined tractive force over the roll 50, which is pivotable about rotational axis 54.
- 3.3 The problem of uneven tension and slack on one side would arise automatically.
- 3.4 The solution to this problem, whereby the take-off device [reference sign 50 in US3600551A, 15 in DE10136696 and 20 in FR2659426A] can pivot so as to correct web slack on one side is generally known; see, for example, pivotable roll 6 in DE19624639A and pivotable roll 13 in JP03061248A.
- 3.5 A person skilled in the art would therefore adopt this feature as a solution to the problem of interest. Specifically, when constructing the devices according to US3600551A, DE10136696 and FR2659426A he would make the rolls (50, 14 and 20 respectively) pivotable.
- 3.6 Dependent claims 22, 24, 25, 30 and 31 appear to relate to standard measures and do not contain any additional features that clearly meet the PCT requirements in respect of inventive step when combined with the features of any of the back-referenced claims.

The solution proposed in claims 21, 22, 24 to 28, 30 and 31 cannot therefore be considered inventive (PCT Article 33(3)).

- 3.7 The combination of features in claims 22 and 23 improves the solution to the problem of ensuring precision web guidance and avoiding web slack on one side.
- 3.8 The claimed special features are not suggested *per se* by any of the available prior art documents. The subject matter of claim 23 therefore appears to involve an inventive step (PCT Article 33(3)).

## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

4.1 Claims 1, 21, 26 and 29 are presented as separate independent claims. The claims are therefore not concise (PCT Article 6).

4.2 For the purposes of this report the claims are interpreted as follows:

1. Device (...) continuous web (10) in a direction of movement over a first roll (24) (...) and wherein the frame (28) is pivotable about a second rotational axis (58) relative to the fixed rolls (W1, W2), the component ~~of the pivot movement~~ of which runs parallel in the direction of movement of the web (10) between the two rolls (24, 26).
14. Device according to claim 14, wherein the other rotational axis (52) in (...)
15. Device according to claim 14, wherein the other rotational axis (...)
16. Device (...) about the second rotational axis (58) (...) the other rotational axis (52) (...)
17. Device (...) about the second rotational axis (58) (...) the other rotational axis (52) (...)
26. Process (...) continuous web (10) in a direction of movement over a first roll (24) (...) and wherein the frame (28) is pivoted about a second rotational axis (58) relative to the fixed rolls (W1, W2), the component ~~of the pivot movement~~ of which runs parallel in the direction of movement of the web (10) between the two rolls (24, 26).